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The Honorable

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE**

PATRICK FLEETWOOD and
MICHAEL FLEETWOOD,

Plaintiffs,

vs.

WASHINGTON STATE
UNIVERSITY,

Defendant.

NO.

NOTICE OF REMOVAL TO
FEDERAL COURT

**(CLERK'S ACTION
REQUIRED)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant, WASHINGTON STATE UNIVERSITY, hereby removes to this court the state court action described below.

1. This case concerns and alleges a violation of the 1st and 14th Amendments and 20 U.S.C. § 1681, as well as possible state law claims.

1 Defendant WASHINGTON STATE UNIVERSITY is an agency of the State of
2 Washington. The amended complaint was answered on October 2, 2020.

3 2. On March 13, 2020, a complaint was filed in the Superior Court of
4 Washington for Whitman County, Case No. 20-2-00053-38 entitled Patrick
5 Fleetwood, Plaintiff, vs. Washington State University, Defendant. On September
6 2, 2020, an amended complaint in this action was filed in the Superior Court of
7 Washington for Whitman County.

8 3. This amended complaint was served upon the State Defendant on
9 September 2, 2020. This notice of removal is being filed within 30 days of the
10 filing of the amended complaint alleging an action under the 1st and 14th
11 Amendments and 20 U.S.C. § 1681 against the named Defendant.

12 INTRADISTRICT ASSIGNMENT

13 4. Under 28 U.S.C. § 1331 and § 1343, the United States District Courts
14 “have original jurisdiction of all civil actions arising under the Constitution, laws,
15 or treaties of the United States.”

16 5. Plaintiffs allege that their rights under the 1st and 14th Amendments
17 were violated by defendant.

18 6. This is a civil action of which this court has original jurisdiction
19 under 28 U.S.C. § 1331 and § 1343, and is one which may be removed to this
20 court by defendant pursuant to 28 U.S.C. § 1441(b) in that it is a civil action
21 founded on a claim or right arising under federal law. The district court also has
22 supplemental jurisdiction over any state claim pursuant to 28 U.S.C. § 1367. An
23 11th Amendment bar as to supplemental claims does not divest the federal court
24 of jurisdiction over claims arising under federal law. *Wisconsin Dept. of*
25 *Corrections v. Schacht*, 524 U.S. 381, 118 S. Ct. 2047, 141 L. Ed. 2d 364 (1998).
26

1 7. Venue in the Eastern District is appropriate as this is the judicial
2 district in which plaintiffs allegedly reside. In addition, the Defendant
3 Washington State University is headquartered in Whitman County, Washington.

4 RESERVES AND IMMUNITY

5 8. Defendant reserves all rights and defenses, including 11th
6 Amendment immunity, and this notice is made without waiving Washington
7 State's sovereign immunity or any other defenses it may have in response to this
8 lawsuit.

9 SUPPORTING DOCUMENTS

10 9. In compliance with 28 U.S.C. § 1446(a) and LCR 101(b), the
11 defendant will file copies of all process, pleadings and orders served upon it in
12 this case within the fourteen (14) day deadline and with the appropriate
13 verification of authenticity.

14 DATED this 2nd day of October, 2020.

15 ROBERT W. FERGUSON
16 Attorney General

17 *s/ Brian J. Baker*

18 _____
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 360.586.6351
 Attorney for Defendant
 Washington State University

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2020, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Matthew Z. Crotty
Crotty & Son Law Firm, PLLC
905 West Riverside Avenue, Suite 404
Spokane, WA 99201
matt@crottyandson.com

DATED this 2nd day of October, 2020.

ROBERT W. FERGUSON
Attorney General

s/ Brian J. Baker

BRIAN J. BAKER, WSBA No. 54491
Assistant Attorney General
Attorneys for Defendant